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**ACTION MINUTES
ADJOURNED REGULAR MEETING
TORRANCE CITY COUNCIL
OCTOBER 11, 2005**

OPENING CEREMONIES

1. CALL MEETING TO ORDER.

ROLL CALL: Mr. Mauno, Mrs. McIntyre, Mr. Nowatka,
Mr. Scotto, Mrs. Witkowsky, Mayor Walker

****ACTION:** Meeting called to order at 6:00 p.m. with all members present and immediately recessed to closed session to consider matters listed under 17 Executive Session.

****ACTION:** City Council reconvened at 7:10 p.m.

2. FLAG SALUTE:

NON SECTARIAN INVOCATION:

The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

****ACTION:** Flag salute was led by Councilmember Mauno.
Councilmember Witkowsky gave the invocation.

**3. MOTION TO ACCEPT AND FILE REPORT OF THE CITY CLERK ON THE POSTING OF THE AGENDA.
MOTION TO WAIVE FURTHER READING.**

****ACTION:** Accepted. (McIntyre/Scotto); Waived. (McIntyre/Scotto)

4. ANNOUNCEMENT OF WITHDRAWN OR DEFERRED ITEMS.

****ACTION:** Item 7D was withdrawn.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS:

****ACTION:** City Clerk Herbers announced candidate forums scheduled for the November 8 election. Torrance Unified School District Board of Education candidates: League of Women Voters, AAUW and Torrance Council of PTAs on October 19 at 7:00 p.m. at the George Nakano Theatre; Riviera Homeowners Assn on October 26 at 7:00 p.m. at Richardson Middle School; and North Torrance Homeowners Assn on October 27 at 7:00 p.m. at North High School Library. She also encouraged voters to find additional information about the candidates at SmartVoter.org.

****ACTION:** Mayor Walker thanked Councilmember Scotto for his service as mayor pro tem for the past six months and announced that Councilmember Witkowsky would be mayor pro tem for the next six month period.

6. COMMUNITY MATTERS

A. Presentation of the Riviera Garden Club award for outstanding landscaping to Fire Station #4.

****ACTION:** July Unrine, Riviera Garden Club President, presented award for their drought tolerant landscaping to Fire Chief Bongard, Captain Mark Lyle, Engineer Mark Minton, Paramedic Steve Swigart, and Firefighter Darrel Eastman.

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7. CONSENT CALENDAR

Items 7A – 7C on the Consent Calendar were considered routine and were enacted by one motion and one vote. There was no separate discussion of these items. (Mauno/McIntyre) Item 7D was withdrawn.

A. Approval of minutes of June 21, August 2, and August 9, 2005.

****ACTION:** Approved. (Mauno/McIntyre)

B. Recommendation of the **Fire Chief** that City Council approve a Reimbursement and Indemnity Agreement between Standard Pacific Corporation and the City of Torrance for the Human Health Risk Assessment being performed by the California Office of Environmental Health Hazard Assessment regarding 1800 Oak Street.

****ACTION:** Approved. (Mauno/McIntyre)

C. Recommendation of the **Information Technology Director** and the **Human Resources Director** that City Council:

- 1) Approve a revised maintenance and support agreement for GenSource Corporation's Worker's Compensation software; and
- 2) Approve an expenditure of \$58,215 including sales tax for one year of GenSource software support and maintenance and \$4,330 for the annual Electronic Data Interchange (EDI) transmission and maintenance fees.

****ACTION:** Concurred with staff recommendation. (Mauno/McIntyre)

D. Recommendation of the **Public Works Director** that City Council authorize a purchase order to be issued to Sully-Miller Contracting Company of Anaheim, CA in the amount not to exceed \$300,000, for the sole source purchase of asphalt plant mix on an as needed basis, from October 11, 2005 through October 10, 2006.

****ACTION:** Item 7D was withdrawn.

11. ADMINISTRATIVE MATTERS

A. Recommendation of the **City Manager** that City Council adopt an **ORDINANCE** which will implement a contract change between the City and CalPERS (California Public Employees Retirement System) adding the 3% @ 50 retirement benefit for Fire Safety employees.

****ACTION:** Concurred with staff recommendation. (Scotto/McIntyre)

****ACTION:** Adopted **ORDINANCE 3678**. (Witkowsky/Nowatka)

AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF TORRANCE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (FIRE FIGHTERS)
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B. Recommendation of the **City Manager** that City Council:

- 1) Concur with the Memorandum of Understanding and adopt respective **RESOLUTIONS** for each of the following: Torrance City Employees Association; Torrance Engineers; Torrance Fiscal Employees Association; Torrance Library Employees Association; Torrance Municipal Employees-AFSCME Local 1117; Torrance Professional and Supervisory Association; Torrance Professional Parks and Recreation Employees Organization;
- 2) Concur with changes to Short-Term Disability, Long-Term Disability, and Term Life insurance coverage for certain General Employees;

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- 3) Concur with certain Budget Modifications to provide additional funding for approved MOUs and appropriate from the wage reserve for cost of agreements; and
- 4) Designate use of year-end carry over funds for the one-time cost provisions related to the MOUs.

****ACTION:** Concurred with staff recommendation for

1) adoption of MOUs,

2) changes to Short-Term Disability, Long-Term Disability, and Term Life insurance coverage for certain General Employees (except TME AFSCME Local 1117) authorize agreements with Mutual of Omaha for STD and LTD coverage with a 14 day waiting period for commencement of benefits and for Term Life insurance with a \$50,000 face value with life insurance coverage to be increased in relationship to saved premium dollars, if any;

3) Budget Modifications to provide additional funding for approved MOUs and appropriate from the wage reserve for cost of agreements; and eliminated building maintainer (75,500), reallocated 1 Building maintenance supervisor from GF to 80% Capital Fund and assign incumbent to project management – contractors (98,600), reassigned custodial personnel to day shift (delete premium) (\$12,000), reallocated 5 library assistant 1 positions to part-time positions (\$40,000), deferred implementation of Deputy Public Works Director position to next 2-year budget (\$70,000), and eliminated Carpenter/Puppet Programs (\$9,600);

4) Designated use of year-end carry over funds for the one-time cost provisions related to the MOUs. (Witkowski/Walker)

****ACTION:** Adopted **RESOLUTION 2005-106.** (Witkowski/Nowatka)

SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE CITY EMPLOYEES ASSOCIATION (TCEA) AND REPEALING RESOLUTION NO. 2004-73.

****ACTION:** Adopted **RESOLUTION 2005-107.** (Witkowski/Nowatka)

SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE ENGINEERS AND REPEALING RESOLUTION NO. 2004-35.

****ACTION:** Adopted **RESOLUTION 2005-108.** (Witkowski/Nowatka)

SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE FISCAL EMPLOYEES ASSOCIATION (TFEA) AND REPEALING RESOLUTION NO. 2004-36.

****ACTION:** Adopted **RESOLUTION 2005-109.** (Witkowski/Nowatka)

SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE LIBRARY EMPLOYEES ASSOCIATION (TLEA) AND REPEALING RESOLUTION NO. 2003-100

****ACTION:** Adopted **RESOLUTION 2005-110.** (Witkowski/Nowatka)

SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE MUNICIPAL EMPLOYEES-AFSCME LOCAL 1117 AND REPEALING RESOLUTION NO. 2003-99.

****ACTION:** Adopted **RESOLUTION 2005-111.** (Witkowski/Nowatka)

SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA) AND REPEALING RESOLUTION NO. 2004-34.

****ACTION:** Adopted **RESOLUTION 2005-112.** (Witkowski/Nowatka)

SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL PARKS AND RECREATION EMPLOYEES ORGANIZATION (TPPREO) AND REPEALING RESOLUTION NO. 2004-74.

****ACTION:** Mayor Walker spoke to the successful completion of the bargaining process noting that other small issues could be taken care of in the future.

****ACTION:** City Manager Jackson commended head negotiator Kathy Keane, the team of negotiators and the clerical staff for their efforts in the work.

****ACTION:** *Redevelopment Agency met from 7:50 p.m. to 7:52 p.m.*

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- 5A. *Recommendation of the **Planning Commission** that the Redevelopment Agency deny the appeal and deny CUP05-00019, TTM061985, and VAR05-00001.*

*The **Deputy Executive Director** recommends that the Redevelopment Agency approve the appeal and take the following actions on property located at 1620 Gramercy Avenue:*

- 1) Adopt **RESOLUTIONS** approving a Conditional Use Permit to allow the construction of a seven-unit condominium project; Vesting Tentative Tract Map for condominium purposes; and a Variation to the Downtown Redevelopment Project Development Standards to allow residential units on the first floor on property located in the Downtown Redevelopment Project Area, in the Commercial Sector, at 1620 Gramercy Avenue.

CUP05-00019 / TTM061985 / VAR05-00001: Petition of MICHAEL MULLIGAN DEVELOPMENT / (MICHAEL BIHN)

The applicant requests a continuance of this item to the meeting of November 15, 2005.

****ACTION:** Hearing was opened at 7:51 p.m. and continued to November 15, 2005.

16. ORAL COMMUNICATIONS

****ACTION:** City Attorney Fellows announced that in closed session under GC Section 54957.1 the City Council had voted to authorize the City Attorney to file a letter as Friend of the Court with the California Supreme Court in the case of Macpherson Oil Company v. City of Hermosa Beach, Case No. B174240 (Appeal from the decision of the Los Angeles County Superior Court in Case No. BC172546). He stated that the case involved potential liability of cities for damages for breach of contract for local law impairs a contract to which the city is a party. He stated that the court of appeal ruled that the lease was entered into for drilling on city owned property that was subsequently prohibited by citizen initiative and that the impairment was a valid and constitutional exercise of police power but because it frustrated the company and the city it could give rise to a breach of contract with the city.

****ACTION:** Councilmember Mauno noted the ribbon cutting for the Torrance Art Museum at Joslyn Center held earlier in the day and commended staff for their efforts.

****ACTION:** Councilmember McIntyre also commented on the museum opening.

****ACTION:** Councilmember McIntyre announced that the Torrance Rose Float Association would hold volunteer sign-ups for decorating the 2006 float on Thursday, October 20 at 7:00 p.m. in the City Council Chambers.

****ACTION:** Councilmember Witkowsky commented on the museum opening and wished the Jewish community a happy new year.

****ACTION:** Tracy Dunn, Patronella, spoke about the CalTrans removal of trees from the sound wall on the 405 freeway.

17. EXECUTIVE SESSION

City Council Closed Session

A. CONFERENCE WITH LABOR NEGOTIATOR

(California Government Code § 54957.6):

Agency Negotiator: LeRoy J. Jackson

Employee Organization/Association:

1. Certain Full-Time Salaried and Hourly Employees

11. Torrance Fire Fighters Association

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| 2. Certain Part-Time Hourly Employees | 12. Torrance Fiscal Employees Association |
| 3. Crossing Guards | 13. Torrance Library Employees Association |
| 4. Elected Officials | 14. Torrance Municipal Employees/AFSCME Local 1117 AFL-CIO |
| 5. Engineers Association | 15. Torrance Police Commanders' Association |
| 6. Executive & Management Employees | 16. Torrance Police Officers Association |
| 7. Police & Fire Trainees | 17. Torrance Professional Parks & Recreation
Employee Organization |
| 8. Safety Management Employees | 18. Torrance Professional & Supervisory Association |
| 9. Torrance City Employees' Association | 19. Torrance Recurrent Recreational Employees Organization |
| 10. Torrance Fire Chief Officers Association | |

B. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION

(California Government Code § 54956.9 (b) (1):

1. One case

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(California Government Code § 54956.9 (c):

1. Request for Amicus support: Macpherson v. City of Hermosa Beach, Case No. B174240 (Appeal from the decision of the Los Angeles County Superior Court in Case No. BC172546)

D. REAL PROPERTY - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(California Government Code § 54956.8):

1. Property: 2837 Pacific Coast Highway
Agency Negotiator: LeRoy J. Jackson
Negotiating Parties: City of Torrance and Scott Douglas
Under Negotiation: Terms and conditions of existing lease
2. Property: Communications Tower
3031 Torrance Boulevard
Agency Negotiator: LeRoy J. Jackson
Negotiating Parties: City of Torrance and April Harvey (T-Mobile)
Under Negotiation: Terms and conditions of new lease

Redevelopment Agency Closed Session – None

****ACTION:** City Attorney Fellows announced that the City Council had voted in closed session, six to zero, to authorize the City Attorney to file a Friend of the Court Brief with the California Supreme Court in the matter of Macpherson v. City of Hermosa Beach, Case No. B174240 (Appeal from the decision of the Los Angeles County Superior Court in Case No. BC172546) (see Orals)

18. ADJOURNMENT

- A. Recommendation of the City Manager that City Council adjourn the City Council and Redevelopment Agency to Tuesday, October 18, 2005, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

****ACTION:** At 8:05 p.m. City Council and Redevelopment Agency adjourned to Tuesday, October 18, 2005 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers. (Nowatka/Scotto)

Sue Herbers, CMC
City Clerk

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**“Friends are those people who know the words to the song
in your heart and sing them back to you when you have
forgotten the words.”**

(Anonymous

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City Hall will be closed:

Friday, October 14, Friday, October 28, and Friday, November 11